THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23773 OF 2005

Dt.8.11.2005

Between:

M/s.Anantha Electricals rep. by its Partner

C.Sridhar Rao

… Petitioner

And

The Joint Commissioner and Executive Officer,

Srisailam Devasthanam, Srisailam, Kurnool District

and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

The petitioner questions the order of the Executive Officer, Srisaila Devasthanam, Srisailam, in cancelling the work order issued in his favour in respect of works – Earthing of existing transformers and supply and erection of capacitors and panels. The said two works are awarded to the petitioner for the sum of Rs.2,60,758/- and Rs.2,71,930/- respectively. It is stated that the petitioner is the successful tenderer after fulfilling the conditions stipulated in the work orders. Though the time allowed for completion of both the works, the petitioner has failed to commence the work on some other grounds. In spite of several reminders issued to the petitioner to commence the work, the petitioner has not commenced the work and caused much inconvenience to the Devasthanam and therefore the said work orders and the agreement concluded by the petitioner were cancelled and directed to release the deposit amount paid by the petitioner in respect of those two works.

The grievance of the petitioner is that the Devasthanam has to supply the material and the capacitors for completing the work. It is stated that the value of the tender was only towards maintenance charges, but not for the purchase of the capacitors and other materials.

A perusal of the tender notification, prima facie, goes to show that the estimated value of the said works is for the supply and maintenance.

But, however, I am of the opinion that these being disputed questions of fact cannot be resolved in this writ petition as there is an effective alternative remedy.

The writ petition is accordingly dismissed with liberty to the petitioner to take appropriate action in accordance with law. No costs.

(V.ESWARAIAH, J.)

8.11.2005

kpr